

Fisheries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

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TO

Encourage Irish Fisheries.

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WHEREAS the improvement and encouragement of the Irish fisheries are objects of great importance, not only to Ireland, but to the wealth and commercial prosperity and naval strength of the United Kingdom :

- 5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,) .

1. This Act may be cited on all occasions and for all intents and purposes as the Deep Sea Fisheries (Ireland) Act, 1882. Short title of Act.

2. This Act shall, except as to any act herein-after required or authorised to be done before that day, come into operation on the *first day of January one thousand eight hundred and eighty-three*, the period herein-after referred to as the commencement of this Act. Commencement of Act.

3. Immediately after the passing of this Act it shall be lawful for the Lord Lieutenant under his hand and seal from time to time to nominate and appoint fifteen persons to be commissioners specially for overseeing, directing, and improving the deep sea and coast fisheries of Ireland, to be called the Commissioners of Irish Sea fisheries, with power to them, or any number of them, by the instrument of appointment to be determined, to execute or cause to be executed the provisions of this Act in manner herein mentioned. Lord Lieutenant may appoint Commissioners for the Irish fisheries.

4. The Commissioners so appointed, and their successors appointed as herein-after mentioned, shall be incorporated by the name of the Commissioners of Irish Sea Fisheries, and shall by that name be capable of suing and being sued, they shall have a common seal, be

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capable of holding property, with all other the rights and powers incident by law to bodies corporate.

Power to
appoint
officers.

5. For the purpose of carrying this Act into execution, it shall be lawful for the said Commissioners at any time after their appointment to appoint a secretary, and such clerks and other 5 officers under them, (such secretary, clerks, and other officers being first approved of by the Lord Lieutenant or other chief governor or governors of Ireland for the time being,) as they the said Commissioners of Irish Sea Fisheries shall think fit: Provided always, that no appointment to any such office shall be made unless and 10 until the Lords Commissioners of Her Majesty's Treasury shall have signified their assent to the proposal for making an appointment to such office, and of the salary proposed to be annexed to such office.

Commis-
sioners to
make reports
to the Lord
Lieutenant
and to Par-
liament.

6. The said Commissioners of Irish Sea Fisheries to be ap- 15 pointed by virtue of this Act shall and they are hereby required to deliver or cause to be delivered annually, on or before *the first day of January* in every year, to the Lord Lieutenant or other chief governor or governors of Ireland for the time being, a full and accurate report of their proceedings for the year preceding; and 20 shall also cause to be laid before both Houses of Parliament, within fourteen days after the sitting of each House next ensuing such first day of January, a copy of every such report, under their seal, and signed by their secretary.

Commis-
sioners to
hold office
during plea-
sure.

7. The Commissioners shall hold their appointment during the 25 pleasure of the Lord Lieutenant; and on the death, resignation, or removal of any of them, the Lord Lieutenant shall, by warrant under his hand and seal, appoint another person in the room of the Commissioner so dying, resigning, or being removed.

Power to
make bye-
laws.

8. At a meeting or meetings to be held as soon as conveniently 30 may be after their appointment, the Commissioners shall frame rules and regulations for their meetings and the transaction of business; and such rules, upon being approved of by the Lord Lieutenant, shall be the rules regulating all such matters: Provided always, that the Commissioners may at any time, and with the like 35 approbation, alter, vary, repeal, or add to such rules, or adopt other and different ones in their stead.

Committee
may be
appointed.

9. The Commissioners may by such rules, if they shall so think fit, direct that any portion of the business intrusted to them by this Act may be transacted by a committee of their body, to be 40 appointed in such manner and acting in such manner as such rules may prescribe.

10. The Commissioners shall have power from time to time to prescribe and regulate the duties of all officers appointed by them, and to dismiss any of such officers, when they shall so think fit.

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Power over
officers.

11. The Commissioners shall have power, at any time after their appointment, and from time to time as occasion may require, to make and promulgate any reasonable byelaw or byelaws regulating the mode and manner and time in which fishing shall be carried on in any of the estuaries, deep sea, and tidal waters adjoining the Irish coast, and prohibiting such fishing at any time or in any manner which may appear to them injurious to the fisheries; and they may by any such byelaw or byelaws regulate the size of the nets and meshes of the nets or other instruments to be used in such fishing, and make such regulations as to the management of the vessels engaged in such fishing, and of the conduct in the course of fishing of the crew and other men employed therein, and generally as to all matters connected with the fishing for, taking, selling, or otherwise disposing of such fish, as may appear to them necessary for the protection of the fishery, and also from time to time by any such new byelaw to vary, alter, or repeal any previous byelaw, or to substitute a new byelaw; and it shall be lawful for them in any such byelaw, or altered or substituted byelaw, if they shall so think fit, to impose as a penalty for its violation a fine not exceeding *twenty pounds*, or imprisonment not exceeding *three months*; but no byelaw made by them under the authority of this section shall be of any force or effect unless and until the same shall be approved of by the Lord Lieutenant and Privy Council, and such notice shall be given of every such byelaw before being approved of by the Privy Council, as the Lord Lieutenant may by Order in Council direct.

Byelaws for
the regula-
tion of the
fisheries.

12. Whenever they shall think fit, or whenever the Lord Lieutenant shall direct, the Commissioners shall, before passing such byelaw, or at any time before same is approved of by the Privy Council, hold an inquiry in relation to the advisability or propriety of such byelaw, in such manner and in such place as they may think fit, or the Lord Lieutenant may direct.

Commis-
sioners to
hold in-
quiries.

13. After the commencement of this Act every byelaw so approved of shall have the force and effect of law, and its violation be punished by the penalties herein-after mentioned: Provided always, that every such byelaw shall, within fourteen days after being approved of by the Lord Lieutenant and Privy Council, be laid before both Houses of Parliament, if Parliament be then sitting, and if not, within fourteen days of its next re-assembling; and if either House

Byelaws to
be laid before
Parliament.

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of Parliament shall, within *thirty days*, exclusive of any days during which time it shall not sit, or if Parliament be not sitting at the end of such thirty days, then within thirty days from the commencement of the next session, present an address to Her Majesty disapproving of such byelaw, then and in that case from the time of the presentation of such address such byelaw shall be of no further force and effect.

Byelaws to have the force of law.

14. All byelaws so made and approved of shall, until same are altered, repealed, or annulled in manner hereafter mentioned, have the same force and effect as if they were contained in this Act, and shall be observed by all persons to whom same apply.

Penalties for violation of byelaws.

15. Any person violating any such byelaws shall be guilty of a misdemeanor, and on being convicted thereof may be punished by fine or imprisonment at the discretion of the court, or upon summary conviction before two justices of the peace in the manner prescribed by the Petty Sessions, Ireland, Act, with imprisonment not exceeding *three months*, or a fine not exceeding *twenty-five pounds*: Provided always, that wherever by any byelaw any punishment is imposed for such offence pursuant to the provisions herein-before contained, no greater or other punishment shall be inflicted upon any person convicted, either on indictment or summarily, than that mentioned in the byelaw, and where such byelaw shall impose only a pecuniary penalty the punishment of imprisonment shall not be imposed.

Coast to be divided into districts.

16. The Commissioners shall, as soon as conveniently may be after their appointment, divide the coast of Ireland into such and so many districts as may to them appear necessary and expedient, and shall by an order under their seal, with the approbation of the Lord Lieutenant, define and fix the limits of such districts; and it shall be lawful for them at any time, and from time to time, by like order, and with the like approbation, to vary the number and limits of such districts as may appear to them to be fit.

Fishing vessels to be licensed.

17. No vessel of any kind or description, the burden of which shall exceed five tons, shall be employed in fishing in any estuary or any waters adjoining the coast of Ireland unless and until a license for such vessel shall be obtained for such vessel from the Commissioners of Irish Sea Fisheries. Every license so granted by the Commissioners shall be in force for a period of *twelve months*, and no longer.

Licensing officers to be appointed.

18. For the purpose of granting such licenses the Commissioners shall appoint such and so many persons, resident in seaport towns,

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as they may think fit, with power and authority to grant same; and every owner or other person employing such vessel for the purpose of fishing shall be entitled to obtain such licence on lodging with any of such officers, or, if he shall so think fit, with the secretary of the Commissioners, a statement of the particulars herein-after mentioned, and paying for such licence such sum as the Commissioners may determine, not exceeding *one shilling* for each ton of the burden of such vessel.

19. The statement so to be lodged shall state the name and residence of the person or persons proposing to employ such vessel in fishing, the number of men and boys respectively intended to be employed in same, and the name of the master of the vessel, the tonnage of the vessel, and shall be accompanied by a copy of the register of such vessel.

Statement to be lodged.

20. Any person who shall use or employ any vessel whose burden shall exceed five tons in any of the fishings regulated by this Act without having obtained the licence hereby required, shall forfeit and pay to the Commissioners for such and every time the vessel is so employed the sum of *five pounds*; and such sum may be recovered, in addition to the means in this Act provided, by action in any of the courts of law in England or Ireland, or in the Sheriff Court, or before any two justices of the peace in Scotland, and may be recovered either from the owner or owners or from the master or person acting as master of such vessel, or from any person employing or using same in such fishing.

Penalty on fishing without licence.

21. It shall be lawful for the Commissioners, if they shall think fit, to revoke the licence granted for the use of any vessel if any person acting under any such licence shall, after the grant of such licence, be three times convicted of any offence against the provisions of this Act; and if it shall at any time appear to the Commissioners, by report of their officers or otherwise, that any such vessel is in such condition or is so worked as to be dangerous to the lives of the persons employed therein, it shall be lawful for the said Commissioners to hold an inquiry into the sufficiency of the condition or mode of working of such vessel by a person or persons appointed for that purpose by the Lord Lieutenant; and if upon such inquiry the person or persons holding such inquiry shall report that such vessel is in such condition or is so worked as to be dangerous to the lives of the persons employed therein, it shall be lawful for the said Commissioners either to revoke the licence, or to allow same to continue in force upon such terms and

Licences may be revoked.

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Powers of inspectors of salmon fisheries preserved.

22. Nothing herein contained shall interfere with the power of the inspectors of Irish fisheries to make such regulations as they are by any statute empowered to do to regulate the taking of salmon 5 in any of the estuaries or tidal waters in Ireland.

Powers of inspectors as to deep sea fisheries vested in Commissioners.

23. From and after the commencement of this Act all other power relating to the fisheries in the deep sea or in the estuaries or tidal waters on the coast of Ireland now vested in the inspectors of Irish fisheries shall be vested in and be exercised by the Commis- 10 sioners under this Act; and, unless where it is otherwise hereby provided, the powers conferred by this Act shall be deemed to be in addition to and not in substitution for those hitherto exercised by the said inspectors of Irish fisheries.

Admiralty to appoint superintendents.

24. And be it further enacted, that it shall be lawful for the 15 Lords Commissioners of the Admiralty, upon the application of the said Commissioners of Irish Sea Fisheries, to appoint two or more commissioned officers in Her Majesty's navy as superintendents of the fishery described in this Act, for the purpose of causing the same to be carried on according to the regulations of this Act, and 20 also as well for preserving order among the persons employed therein as for protecting them and their vessels against violence, and under such orders, rules, and regulations as shall be made in that behalf by the Lords Commissioners of the Admiralty; and every person so appointed superintendent shall proceed annually 25 with a proper vessel or vessels of Her Majesty's navy of sufficient force to such place and to arrive at such time as the Commissioners may, with the sanction of the Lords Commissioners of the Admiralty, appoint.

Duties of superintendents.

25. Every person so to be appointed superintendent shall exercise 30 his office within the district or districts named in his appointment, and shall remain with his vessel within such district or districts during the time fixed for his appointment, and shall do and execute all such things and orders as he may be reasonably required by the Commissioners under the regulations laid down for him by the Com- 35 missioners of the Admiralty; he shall prevent all vessels from fishing in any manner inconsistent with the byelaws in that behalf made by the Commissioners; and for this purpose it shall be lawful for any superintendent of the said fisheries, or any person or persons acting by his orders, at all times whenever he shall 40 think fit, either at sea or in any loch or bay, or on the coast,

Power to enter fishing vessels.

during the continuance of the fishery, or after the return from the fishery, to go on board any of the vessels employed in the fishery placed under his superintendence, to inspect the license and certificate of registry of such vessel; and such superintendent is hereby empowered to detain any such vessel and to examine whether the master and other persons on board the same are in all respects carrying on and prosecuting the said fishery in the manner required by the byelaws of the Commissioners; and if any person or persons shall impede or obstruct, or attempt to impede or obstruct, any other person or persons in the lawful prosecution of the said fishery, such superintendent shall require such person or persons so impeding or obstructing, or attempting to impede or obstruct, any other person or persons, to desist from so doing; and if such person or persons so required to desist shall disregard such requisition, it shall be lawful for such superintendent to employ such force as shall be necessary to compel him or them to preserve order. If the master or any part of the crew is not or shall not be in all respects carrying on and prosecuting the fishery in the manner hereby required, or had impeded or obstructed, or attempted to impede or obstruct, any other person or persons in the lawful prosecution of the said fishery, such superintendent shall report the same fully and particularly to the said Commissioners of the Irish Sea Fisheries, and shall deliver one copy of such report under his hand to the master of such vessel, and shall transmit another copy to the said Commissioners by the first opportunity; and if any person or persons shall resist or obstruct any such superintendent, or any person or persons acting under him, in the execution of any of the powers to him or them given by this Act, every person so offending shall forfeit and pay the sum of *ten pounds* upon conviction by the magistrates of the nearest sessional court.

26. Of the officers to be appointed by the Commissioners under the provisions herein-before contained, one at least shall be appointed for each district, to be called and known as the chief officer of fisheries for such district. The person so appointed shall reside within the district in such place as the Commissioners may appoint; he shall discharge all such duties as to the execution of this Act, and generally as to the inspection, improvement, and encouragement of the fisheries, as the Commissioners may direct; and he shall from time to time make to the Commissioners reports upon all matters connected with the fisheries within his district, and the improvement and encouragement of same, as the Commissioners may from time to time desire and direct.

Chief officer
to be ap-
pointed for
each district.

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Commissioners to have charge of reproductive loan fund.

27. And whereas it is expedient that loans should be made to the fishermen engaged in the deep sea fishery, in order to enable them to provide themselves with suitable boats and gear, and that such loans should be made under the superintendence of the Commissioners hereby appointed: From and after the commencement of this 5 Act, all the powers vested in the inspectors of Irish fisheries by the Reproductive Loan Fund Act, 1874, as to the funds mentioned in that Act, shall be vested in and exercised by the Commissioners under this Act.

Commissioners to make loans.

28. It shall be lawful for the Commissioners, with the approval 10 of the Lord Lieutenant, from time to time to ordain such rules and regulations as may appear to them to be proper and expedient for the making of loans under this Act, and providing for the security to be taken for same, the mode of repayment thereof, the ensuring that they shall be applied to the purposes for which they 15 are intended, and all other matters connected with the loan; and it shall be lawful for them, if they shall so think fit, by such regulations to prescribe that such loans may be made for the erection of curing houses, the providing of the means of transport of the fish caught, or for any purpose connected with the improvement of the 20 fisheries, on such terms and conditions as may be thought fit, and it shall be lawful for the Commissioners to make such loans in accordance with such regulations out of any moneys that may be in their hands for or applicable to such purposes.

Advances to be made by Treasury.

29. For the purpose of enabling the Commissioners to make such 25 loans, it shall be lawful for the Commissioners of the Treasury, and they are hereby required, within one month after the commencement of this Act, to pay and advance to the Commissioners, out of the growing produce of the Consolidated Fund of the United Kingdom, the sum of thirty thousand pounds to be applied by the said Com- 30 missioners in making such loans in accordance with the provisions of this Act.

Piers and harbours to be vested in Commissioners.

30. And whereas it is expedient that the control and care of all fishery piers in Ireland shall be vested in the Commissioners appointed under this Act: From and after the commencement of 35 this Act all piers which by an Act passed in the seventeenth year of Her Majesty the now Queen, intituled "An Act for enabling " Grand Juries in Ireland to borrow money from private sources on " the security of presentments, and for transferring to counties " certain works constructed wholly or in part with public money," 40 were vested in the grand jury of any county in Ireland, shall become and be vested in the Commissioners, who shall keep same

in repair, and pay all expenses connected with their superintendence and management out of any moneys that may be in their hands applicable to such purposes.

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31. And whereas there are now vested in the Commissioners of Public Works several piers and harbours on the coast of Ireland, the custody and care of which might be properly and conveniently transferred to the Commissioners of Irish Sea Fisheries: It shall be lawful for the Lord Lieutenant, by and with the advice of the Privy Council, by an order made before the commencement of this Act, to decide that the piers and harbours named in such order shall be transferred to and vested in the Commissioners of Irish Fisheries, and from and after the commencement of this Act all the piers and harbours named in such order shall be vested in the Commissioners of Irish Deep Sea Fisheries.

Lord Lieutenant to transfer fishery piers from Board of Works to Commissioners.

32. For the purpose of enabling new works to be undertaken for the erection of new fishery piers, or the enlargement or improvement of existing piers, there shall be annually issued to the Commissioners out of the growing produce of the Consolidated Fund a sum of twenty thousand pounds to be by them applied as herein-after mentioned.

Annual sum to be advanced by Treasury.

33. It shall be lawful for the said Commissioners to apply the said sum, and such other sums as may come into their hands applicable to such purpose, in aid of the erection, improvement, and enlargement of fishery piers, either by way of grant or loan; and it shall be lawful for the Commissioners, with the approval of the Lord Lieutenant, to make such rules as they may think fit, regulating the terms and conditions upon which aid shall be given to any proposed work either by way of grant or loan: Provided always, that in any case in which they shall think it fit, for special reasons, so to do, the Commissioners may, with the approval of the Lord Lieutenant, take upon themselves the entire cost of the erection of any new pier, or the enlargement or improvement of any existing pier.

To be expended on fishery piers.

34. All statutes now in force enabling grand juries to secure by presentment any loans or advances made for the erection or improvement of piers shall be applicable to any loans to be made by the Commissioners under this Act; and all the powers conferred upon grand juries by any statute enabling them in that behalf may be exercised in relation to any such loans.

Grand jury may exercise powers of borrowing.

35. When any loan made under the authority of this Act, or any portion of it, is repaid to the Commissioners, it shall

Loans repaid may be re-lent.

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A.D. 1882. *be lawful for them to apply the money so repaid in the same manner as they are hereby authorised to apply the sums to be annually paid to them out of the Consolidated Fund ; and all moneys received and penalties recovered under this Act shall be paid to the Commissioners of Irish Sea Fisheries, to be applied by them for the purposes of carrying this Act into execution, and for such other purposes connected with the Act as they shall deem fit.* 5

Board of Works to advance money.

36. Notwithstanding anything contained in this Act, it shall be lawful for the Commissioners of Public Works in Ireland to advance or lend money for the construction, erection, or repair of fishery piers in Ireland in the same manner as if this Act had not been passed ; and, if they shall so think fit, with the approbation and consent of the Lord Lieutenant, to advance the same on the recommendation of the Commissioners of Irish Sea Fisheries, and to advance such moneys to be expended under the control and direction of the said last-mentioned Commissioners. 10 15

Engineer to be appointed.

37. It shall be lawful for the Lord Lieutenant to appoint a fit and proper person to be engineer to the said Commissioners with such salary and allowances, and upon such terms, as he may, with the approval of the Commissioners of the Treasury, direct. The engineer so appointed shall act under the directions of the Commissioners, and shall be removable by them for incompetence or misconduct. 20

Provision for salaries and expenses.

38. *The salaries of all officers appointed under this Act, the expense of maintaining and superintending the fishery piers hereby vested in the Commissioners, and all expenses incurred by the Commissioners in the execution of this Act, shall be defrayed out of such moneys as Parliament may from time to time for that purpose provide.* 25

Lords Justices may do acts.

39. All matters and things which by this Act are authorised or required to be done by the Lord Lieutenant shall and may be done by the Lords Justices or Lord Deputy or other the Chief Governor or Governors of Ireland for the time being. 30

Interpretation clauses.

40. The words " the Commissioners," when used in this Act, shall mean, unless the context otherwise requires it, the Commissioners of Irish Sea Fisheries appointed under this Act : 35

" Commissioners of the Treasury " shall mean the Lord High Treasurer or the Commissioners for executing the office of Lord High Treasurer :

" Commissioners of the Admiralty " shall mean the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral : 40

"The Board of Trade" shall mean the Committee of the Lords of Her Majesty's most Honourable Privy Council for Trade and Plantations. A.D. 1882.

41. The fishings and fisheries included in and affected by the provisions of this Act are hereby declared to be all fishings for any kind of fish, whether shell fish or otherwise, carried on in any manner or by any means whatever in the deep sea, tidal waters, or estuaries in or adjoining to the coast of Ireland, except the fishings for salmon carried on in the estuaries or other tidal waters under the control of the inspectors of Irish fisheries by virtue of any of the statutes in that case made and provided. Definition of fishings affected by Act.
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